

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

PENNY LYNN SOUTH,

Plaintiff,

v.

Case No: 2:19-cv-627-SPC-NPM

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

ORDER¹

Before the Court is United States Magistrate Judge Nicholas P. Mizell's Report and Recommendation ("R&R") ([Doc. 35](#)) on Plaintiff's Unopposed Petition for EAJA Fees Pursuant to [28 U.S.C. 2412\(d\)](#) ([Doc. 34](#)). Judge Mizell recommends granting the Motion in part. Neither party timely objected, so the matter is ripe for review.

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify the magistrate judge's R&R. *See* [28 U.S.C. § 636\(b\)\(1\)](#); *see also* [*Williams v. Wainwright*, 681 F.2d 732 \(11th Cir. 1982](#)). In the absence of specific objections, there is no

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requirement that a district judge review factual findings *de novo*, *Garvey v. Vaughn*, 993 F.2d 776, 779 n.9 (11th Cir. 1993), and the court may accept, reject, or modify, in whole or in part, the findings and recommendations, 28 U.S.C. § 636(b)(1)(C). The district judge reviews legal conclusions *de novo*, even in the absence of an objection. See *Cooper-Houston v. Southern Ry. Co.*, 37 F.3d 603, 604 (11th Cir. 1994).

After careful consideration and an independent review of the file, the Court accepts and adopts the R&R ([Doc. 35](#)) in full.

Accordingly, it is now

ORDERED:

1. The Report and Recommendation ([Doc. 35](#)) is **ACCEPTED and ADOPTED** and incorporated into this Order.
2. Plaintiff's Unopposed Petition for EAJA Fees Pursuant to 28 U.S.C. 2412(d) ([Doc. 34](#)) is **GRANTED in part**.
 - a. Plaintiff is **AWARDED** \$8,212.49 in attorney's fees.
 - b. Plaintiff is **AWARDED** \$400 in costs.
 - c. Plaintiff is **AWARDED** \$20.85 in expenses.
 - d. Plaintiff's request for paralegal fees is **DENIED**.
 - e. If the United States Department of Treasury determines that Plaintiff does not owe a federal debt, the Government may pay these fees directly to Plaintiff's counsel.

3. The Clerk is **DIRECTED** to enter judgment in favor of Plaintiff for \$8,212.49 in attorney's fees, \$400 in costs, and \$20.85 in expenses.

DONE and **ORDERED** in Fort Myers, Florida on August 17, 2021.


SHERI POLSTER CHAPPEL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record